

## SUBSTANTIAL WEIGHT REVIEW REQUEST

U.S. EEOC  
Los Angeles District Office  
255 East Temple Street, 4th Floor  
Los Angeles, CA 90012

July 25, 2022

**RE: Notice of Dismissal and Right to Sue in  
Scott Goold vs. First Hawaiian Bank  
FEPA No. 21994; EEOC No. 37B-2022-00047**

### **I. Request is Timely**

The Hawai'i Civil Rights Commission ("HCRC" or "Commission") issued a Notice of Dismissal and Right to Sue letter on June 22, 2022. However, complainant Scott Goold ("Complainant" or "Mr. Goold") did not receive the communication until July 15, 2022. ("Exhibit 1"). This request for substantial weight review is timely.

### **II. Standards of Law**

#### **A. Violations of Hawai'i Revised Statutes, Chapter 378, Part I**

Complainant is 64-year-old male who suffers a disability, which limits his ability to walk or stand for long periods of time. The disability causes severe chronic pain for which Complainant is prescribed medication.

As Complainant's medication can include opioids or medical cannabis as an alternative, Complainant sought First Hawaiian Bank's substance abuse/use policy ("SAP") upon notification as a qualified candidate for employment.

The company repeatedly denied the requests. Complainant filed a charge with HCRC. The company denied Complainant opportunities for employment in retaliation. ("Exhibit 2")

#### **B. Violations of Drug-Free Workplace Act of 1988 (41 U.S.C. 81)**

First Hawaiian Bank ("Corporation" or "FHB") is a federal contractor. The Drug-Free Workplace Act of 1988 ("The Act") requires some federal contractors and all federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a federal agency.

The Act requires the Corporation to "establish an on-going drug-free awareness program" and "inform employees, "publish and distribute to each employee," "provide each employee with a statement," and "notify the employee" about the program and policies. <sup>1</sup>

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<sup>1</sup> [https://oui.doleta.gov/dmstree/tein/tein\\_pre93/tein\\_15-90.htm](https://oui.doleta.gov/dmstree/tein/tein_pre93/tein_15-90.htm)

It is common in Hawai'i for employers to require a pre-employment drug screen to selected applicants as a condition of hire. The disabled Complainant was reasonable to request the Corporation's SAP, as Mr. Goold is prescribed medications defined as controlled substances per schedules 1 through V of sections 202 of the Controlled Substances Act (21 U.S.C. 812).

### **III. Failure of US Federal Government in Hawai'i**

*What the F\*\*\** is the federal government's position on medical cannabis? Employers are confused, especially banks and financial institutions; employees are not only confused, they're terrified. What does the EEOC expect of a prospective employee such as Mr. Goold?

The state of Hawai'i legalized medical cannabis in 2000. The legislature added anti-discriminatory protections in 2015. Although cannabis minus hemp (CBD) derivatives remains a Schedule I substance, the Rohrabacher-Farr amendment beginning 2015 mandated no federal funding be expended prosecuting medical cannabis patients and stakeholders. Officials are directed to respect well-established state guidelines. Hawai'i is expressly listed.

An applicant for a professional position must invest considerable resources to navigate the modern corporate application process. If successful opening this initial door, there will be interviews, requests for references, background checks, and a multitude of other hurdles.

An applicant like Mr. Goold might be successful at each step. The company selects him for employment. Then, the employer says, "By the way, we require a drug screen." If the candidate is involved in illicit substance abuse, a spontaneous request might identify a prospective employee who has a problem.

Mr. Goold isn't in this category. He's disabled and on a legal, prescribed medication. If required to submit to a drug screen, the medication will indicate positive. The company likely will disqualify Mr. Goold at this point.

Imagine the embarrassment to Mr. Goold. The company checked his references. He met with top managers in the company; shared detailed performance history with respected members of the workgroup. The selection team gave Mr. Goold a "thumbs-up."

Now, all learn Mr. Goold is a "substance abuser." They learn Mr. Goold has been disqualified. The selection committee wasted a significant amount of time. This decision returns the panel to square one. Angry, frustrated, disappointed ... they would never consider (or trust) Mr. Goold again. Mr. Goold is labeled a loser.

Mr. Goold is devastated. He invested resources, but also emotion. The interview process is intense, pressure-packed and stressful. Mr. Goold is crushed emotionally, and humiliated professionally.

This story isn't fiction. Mr. Goold recently lost his job at Hawaiian Electric in similar fashion. Trauma of that experience led Mr. Goold to inquire about his medication immediately when selected to interview with First Hawaiian Bank. Is this action not reasonable?

Complainant asks the EEOC to end the fear employees like Mr. Goold suffer in the job market. There are over 35,000+ medical cannabis patients in Hawai'i. The federal government owes both employers and employees an apology for the legal confusion over this issue.

***The federal government has not been equitable with Hawai'i for a long time.***

In 1993, President Bill Clinton and the U.S. Congress apologized to the Native Hawaiian people, referred commonly to as Kanaka Maoli. Public Law 103-150, from the 103d Congress, recognized the failure of the federal government around 1893 when business leaders in the islands pushed Queen Lili'uokalani off her throne.<sup>2</sup>

The federal government didn't initiate the coup. They were duped into assisting large plantation owners and powerful business interests who sought to control the tiny kingdom.

Today, the federal government has a vested interest in overseeing labor relations in Hawai'i. Although only about 1.4 million U.S. citizens reside in the state, Hawai'i is a strategic and cultural asset for the nation. The federal government has neglected its responsibilities for over 100 years.

During the summer of 1887, while the Legislature was out of session, a minority of subjects of the Kingdom of Hawai'i and foreign nationals met to organize a revolt and take over the government.<sup>3</sup>

The local volunteer militia, predominantly U.S. businessmen, organized the Hawaiian League, and met on June 30, 1887, at the Armory building of the Honolulu Rifles.

The true purpose of the League was to neutralize the power of the native vote to seize control of the government for their economic gain.

In 1902, the Attorney General of Hawai'i condemned the Big Five corporations (Castle & Cooke, Alexander & Baldwin, C. Brewer & Co., American Factors (now Amfac), and Theo H. Davies & Co.) for their oligopolistic control over the market and labor: <sup>4</sup>

“There is a government in this Territory which is centralized to an extent unknown in the United States, and probably almost as centralized as it was in France under Louis XIV.”

Big business dethroned the monarchy in Hawai'i and became the new royal family. The United States of America, as well as Americans, are blamed for the overthrow. Plantation and business owners crushed the Kingdom of Hawai'i. The oligopoly became the new monarchy — the king is dead; long live the king.

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<sup>2</sup> <https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>

<sup>3</sup> <https://hawaiiankingdom.org/blog/the-1887-bayonet-constitution-the-beginning-of-the-insurgency/>

<sup>4</sup> [https://en.wikipedia.org/wiki/Big\\_Five\\_\(Hawaii\)](https://en.wikipedia.org/wiki/Big_Five_(Hawaii))

Labor has been abused in the Hawaiian Islands since the monarchy passed the Masters and Servants Act in 1850. The legislation codified “contract labor” and provided the legal framework within which Hawai’i would receive “indentured servants.” Basically, laborers in bondage to a plantation enforced by cruel punishment from the Kingdom.<sup>5</sup>

Although not officially slavery, Hawaii's Masters and Servants Act nevertheless shared the economic goal of slave-laws to harness labor, and was similar to slave laws in the U.S. at the time. In fact, much of the Masters and Servants Act derives from slave-laws in the U.S.

Laborers were confined to camps and separated based on their ethnicity. Education was discouraged and some workers capable of reading and writing were returned to their host nations. English Pidgin evolved as workers sought to speak with each other.

The planters who wanted cheap labor spoke of the Chinese as good workers. But also, as their number increased and they began to leave the plantations and enter the labor market of the towns, an outcry was raised against them. An article in *All About Hawaii* of 1890 warned that: “Hawaii is going to lapse into a Chinese colony without making a struggle to prevent it.”

Two years later, Hawaii passed a drastic law that Chinese could only engage in agricultural field work or in work actually connected with the running and operation of rice and sugar mills. When the Chinese laborer was needed, he was praised as quiet, skillful, obedient, patient and quick to learn. When he left the plantation and entered the open labor market, or went into business, he was condemned as a murderer, cutthroat, thief, selfish and cunning. These and other racist epithets were used to deride their ethnic background. It is estimated that between 1850 and 1900 about 46,000 Chinese arrived in Hawaii.

After the American Civil War, the urgent need for Hawaiian sugar became less crucial -- so the sugar industry in Hawaii dipped sharply. But in 1876, the sugar industry was again stimulated by the Sugar Reciprocity Treaty that was signed between the Kingdom of Hawaii and the United States. The treaty permitted Hawaiian sugar to be sold in the U.S. without tariff restrictions. This gave the Kingdom of Hawaii an advantage over other sugar growing nations around the world.

Once more the plantations began looking around for more plantation labor. It was during this time that they imported Portuguese, Puerto Ricans, Koreans, Germans, Russians, Spaniards, Norwegians, and even more Chinese.

The Committee on Labor of the Planters' Labor and Supply Company wrote in 1883: “..the experience of sugar growing, the world over, goes to prove that cheap labor, which means in plain words, servile labor, must be employed in order to render this enterprise successful.”

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<sup>5</sup> <http://www.americancowboychronicles.com/2013/05/hawaiis-masters-and-servants-act-of-1850.html>

In order to keep labor servile, the characteristic of a slave, and to keep costs down, the Kingdom of Hawaii made a conscious decision to enact a policy to introduce a surplus of labor.<sup>6</sup>

Today, BigBusiness and corporations maintain oligopolistic control in the islands and continue efforts to “keep labor servile.” HCRC is complicit in this strategy. Hawai’i is not labor friendly. The EEOC has failed to engage and protect opportunity for workers in Hawai’i.

#### **IV. Lack of Equal Opportunity in Hawai’i**

Mr. Goold was trained by the federal mediator program. He served as an employee advocate for nearly ten years, and a business and organizational management analyst for over two decades. In his professional opinion, employers in Hawai’i have the most discriminatory hiring and retention practices in the nation.

There are staffing problems across the islands — as employers in Hawai’i look for “fit” not merit.<sup>7</sup>

The impact of these discriminatory hiring practices crush the local economy, while Hawai’i represents the “tip of the spear” standing watch against North Korean and mainland China aggression.

The city of Honolulu is 3,079 employees short in a workforce budgeted for 11,668. Nothing works efficiently in Hawai’i due to staffing shortages. The Summer Fun program now serves 2,000 fewer keiki (children).

The Honolulu Police department workforce is down about 33%, “including some 350 sworn officers and hundreds more civilians, people who answer emergency calls, manage computer databases, process evidence and pursue parking violations.”

Asian Americans dominate the culture and corporate positions in the Aloha state. Historically, Asians in the U.S. have suffered tragic waves of discrimination, and our nation is dedicated today to “End Asian American Hate.” Asian Americans have provided heroic service to the country and their example is a beacon of light for all to follow.

Unfortunately, Asian-American public and business officials in Hawai’i abuse their privilege of power, as absolute power corrupts absolutely. To maintain control, the #1 criteria for hiring in Hawai’i is “fit” — meaning selecting cousins, relatives, family members, friends or individuals from the same ethnic or social identity group.

Imagine how Black candidates in the south would have fared had White-dominated companies been justified to use “fit” as a primary qualification in businesses. Or consider how effective late, great SCOTUS Justice RGB would have been assisting women in a male-dominated world if “fit” was tolerated as a primary hiring qualification.

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<sup>6</sup> Ibid.

<sup>7</sup> <https://www.civilbeat.org/2022/07/help-wanted-honolulu-needs-3000-workers-for-city-jobs>

Mr. Goold is non-Asian. Asian American corporate officials at HECO and FHB, as well as in the leadership of HCRC, are Asian. Mr. Goold is not being treated “equally” in Hawai’i. His qualifications are excellent. His background and experience would help FHB immediately.

As a non-Asian, Mr. Goold apparently doesn’t fit within this Asian-dominated company. More importantly, as official love to say, “It’s a small island,” and Mr. Goold complained. He challenged elites who are privileged with power and is now “blackballed” by management.

## **V. Brief Summary**

Complainant suffers a disability that requires pain medication. Mr. Goold never medicates before or during work hours, and only uses medication prior to bed so he can sleep restfully. Mr. Goold is classified as a non-safety-sensitive employee and is always fit for duty.

In 2019, Mr. Goold was fired by Hawaiian Electric Company, Inc. (“HECO”) over confusion with his legal, prescribed medication. Mr. Goold asked HR about the permissibility of the medication, and claims the assigned HECO HR rep informed him that he would “be fine.”

The rep did not notify Mr. Goold of a HECO restriction or direct Mr. Goold to speak with anyone else at the company. However, HECO terminated his employment after six months of service with the company two weeks later. HECO claims Mr. Goold should have inquired sooner about the permissibility of the medication.

### **A. Application for Database Administrator II Position**

Due to Mr. Goold’s experience with HECO, when notified by First Hawaiian Bank that he qualified for a junior-level position, Database Administrator II, Mr. Goold immediately disclosed to FHB’s technical recruiter, Kathy Oyadomari, that he had a disability and made multiple requests for the Corporation’s SAP:

You seem to be kind, compassionate and skilled. I would like to start off on the “right foot.” Please accommodate my disability and provide the related policy information so we can move forward. [Goold to Oyadomari, July 21, 2021]

### ***FHB denied Mr. Goold’s repeated requests***

Mr. Goold filed a HCRC Pre-Complaint Questionnaire (PCQ) on July 22, 2021. (“**Exhibit 3**”). Mr. Goold “paused” his application progress, as he waited for HCRC to review the matter.

About November 2, 2021, as the position remained open, FHB demanded Mr. Goold submit to a pre-screen interview or be dropped for consideration. FHB continued to deny Mr. Goold their SAP, so he interviewed under protest and registered his concerns with HCRC and EEOC. (“**Exhibit 4**”)

Mr. Goold submitted to the required brief phone screen with Ms. Oyadomari on Wednesday, November 3, 2021, at 12:00pm. Mr. Goold recorded the session, which lasted approximately 12 minutes. Mr. Goold submitted the recording to HCRC.

On November 9, 2021, FHB notified Mr. Goold that the company had selected another candidate for the position.

FHB denied Mr. Goold, who has nearly 30 years experience and is a senior database analyst, a technical interview for the junior position. FHB's behavior is unreasonable.

### **B. Application for ETL Developer III Position**

On about November 29, 2021, Mr. Goold applied for a second IT position with FHB, ETL Developer III. "ETL" stands for Extract, Transfer and Load, and the processes are used commonly by database analysts and administrators. The ETL process extracts data from one source, modifies the data summarizing, calculating, condensing or other manipulations during the transfer, and then loads the newly-formed data into a second data source.

Mr. Goold has nearly 30-years experience as an ETL developer, yet FHB denies Mr. Goold a technical interview. FHB's behavior is unreasonable.

As of the date of HCRC's letter of dismissal, the two (2) ETL Developer III positions remained posted on FHB's Career page. FHB refused to interview Mr. Goold.



It is 100% **unreasonable** to deny an experienced applicant such as Mr. Goold a technical interview for the ETL Developer III role. The two (2) positions have been open nearly ten months. Mr. Goold might be the perfect "fit" for the company. They refuse at this time to even consider him.

Regarding the junior-level DBA II position, no professional group would refuse to interview an additional candidate who has Mr. Goold's qualifications. It is likely FHB only had two or three qualified applicants. Professional groups would compare and contrast competing candidates. A resume only provides a snapshot, and speaking with applicants allows the company to fill in gaps or dig deeper into qualifications.

### **VI. Review Process**

Due to FHB's refusal to allow Mr. Goold to interview for the two positions, he filed a pre-complaint questionnaires with both EEOC and HRCR. Stephen Chang, HCRC investigator supervisor, drafted an official complaint on February 24, 2022.

Mr. Goold objected to HCRC managing the complaint. He made numerous requests to EEOC local director, Raymond Griffin Jr, to assume jurisdiction. Mr. Griffin Jr responded March 8, 2022:

Thank you for your email. I consulted with Mr. Chang about your Charge and your transfer request. At this time, the EEOC respectfully denies the request to

transfer your Charge for processing. As I understand, you filed your HCRC Charge in late February 2022 against Respondent (First Hawaiian Bank). Your Charge was dual-filed with the EEOC. According to Mr. Chang, a position statement has been requested from Respondent which is pending. Mr. Chang and I think is best to wait for First Hawaiian Bank's position statement prior making any transfer decision. After HCRC's receipt and review of Respondent's position, it very likely that a final determination can be made on your Charge merits sooner than later.

On about April 4, 2022, HCRC notified Mr. Goold of a possible mediation opportunity. Mr. Goold confirmed he was interested if EEOC managed the complaint. HCRC denied Mr. Goold's request to transfer the case to the EEOC. Mediation did not occur.

On about May 26, 2022, Mr. Goold requested to transfer the charge to EEOC, as the HCRC had not initiated a review or investigation per Haw. Code R. § 12-46-9:

Section 12-46-9 - Deferral of complaints filed with EEOC

(a) In accordance with section 706(c) of Title VII, complaints received by the EEOC alleging unlawful discriminatory practices concurrently regulated by Title VII and chapter 378, HRS, are deferred to the commission for a sixty-day period during which time the commission, as a 706 agency, has the exclusive right to process complaints alleging discrimination filed by a person other than a commissioner of the EEOC.

(b) At the expiration of the sixty-day period, although the commission retains jurisdiction to process the deferred complaint, the EEOC may begin to process the complaint through its own procedures.

(c) The commission shall follow the same procedures in processing deferrals as it uses in processing complaints originally filed with the commission

(d) The commission may waive its right to the period of exclusive processing of complaints provided under section 706(c) of Title VII with respect to any complaint or category of complaints.

***EEOC did not respond***

On about June 3, 2022, HCRC Investigator IV Ken Kuehn notified Mr. Goold he had been assigned to the case. EEOC still refused to respond to Mr. Goold's request. Investigator Kuehn forwarded three questions to Mr. Goold regarding allegations in his charge and FHB's response:

Q: First Hawaiian Bank said the person hired for the Database Administrator II position had 23 years' experience in comparable positions--does that sound reasonable to you? If not please explain.

A: I have about 23+ years of experience. Why was I denied a technical interview?



Q: They also said you didn't meet the appropriate qualifications for the ETL Developer III position and that's why they never contacted you—did the Technical Recruiter (Kathy Oyadomari) tell you she received your application and would contact you if you met the appropriate qualifications?

A: What are the "appropriate qualifications" that I did not meet? The positions remain open today:



(Screenshot 6.3.2022)

Q: How was the Bank's refusal to provide a copy of their policy on medical cannabis relative to not being hired?

A: Believe that is a question for FHB. I disclosed that I have a minor disability. (1) Why did FHB refuse to provide me with their policy? (2) Why did FHB retaliate against me for seeking their policy? (3) Why not simply send me a copy of their policy so I could prepare for an interview? Policies on substance use or abuse are not intended to be secret. The intent of such policy is to alert applicants and employees of the corporate expectations and standards. Why hide this information from me?

On about June 13, 2022, Investigator Kuehn notified Mr. Goold the investigation had been completed. HCRC director William Hoshijo planned to dismiss the charge, "there was insufficient evidence to show a causal connection between the adverse actions and your protected category and activity."

FHB's ETL Developer III position remained open at the time. The two (2) positions had been posted for over seven months. FHB refused to interview Mr. Goold — a senior analyst and developer with some 30 years of experience. It is **unreasonable** to deny an experienced candidate, such as Mr. Goold, an interview under the circumstances.

On about July 8, 2022, Mr. Goold extended an offer to FHB attorney Sarah Wang to mediate, and copied HCRC and EEOC officials.

On about July 15, 2022, Mr. Goold received the HCRC notice of dismissal and right to sue letter.

### VIII. Incomplete Investigation

HCRC did not dig deep into this investigation. Harvard Business Review explains that "the only defense against evidence of adverse impact is for the employer to show that its hiring practices are valid—that is, they predict who will be a good employee in meaningful and

statistically significant ways—and that no alternative would predict as well with less adverse impact. That analysis must be conducted with data on the employer’s own applicants and hires.”<sup>8</sup>

HCRC has been cheating Mr. Goold for three years. After being fired by HECO in February 2019, Mr. Goold filed a charge of discrimination with the Commission against HECO, and parent company, Hawaiian Electric Industries, Inc. (“HEI”).<sup>9</sup>

The Commission is chaired by unpaid commissioner, Liann Ebesugawa, who is employed as an Assistant General Counsel & Assistant Corporate Secretary and compensated by Hawaiian Electric Industries, Inc.<sup>10</sup> Ms. Ebesugawa was previously employed by HECO.

The Commission refuses to further investigate Mr. Goold’s charge, which has languished about 1,095 days, while the average period for case closure was 319 days in 2020.<sup>11</sup> There is an outrageous appearance of impropriety and conflict of interest in this matter.

More than 31% of HCRC cases are at least two years old. More than 45% of all cases are at least 18 months old and 58% of all cases are more than a year old.<sup>12</sup> HCRC director Hoshijo claims, “A lot of the cases that are older are more complex as well.”

Mr. Goold’s charge against HECO and HEI is not complex. Respondents acknowledge non-safety-sensitive employee Mr. Goold informed HECO HR about the legal, prescribed medication. HEI policy allows for waivers to their corporate code, and demands employees be treated fairly.

HECO policy requires ALL employees be informed about the SAP, and management failed to make available the SAP to Mr. Goold. He had served about six months as a contractor when selected for the permanent internal position (See “9.0 Training below):

## **9.0 Training**

All employees of the Company shall receive initial training of this Substance Abuse Policy within 12 months of its effective date and the policy will be provided to all new employees as part of their on-boarding process. This policy shall also be made part of the recurring training program and made available to all agency temporary workers, contractors, consultants, and vendors.

HCRC Investigator Kuehn asked Mr. Goold **only** three questions in his review:

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<sup>8</sup> <https://hbr.org/2019/05/your-approach-to-hiring-is-all-wrong>

<sup>9</sup> Mr. Goold filed a charge of discrimination in August 2019 that remains pending: FEPA No. 20793; EEOC No. 37B-2019-00269

<sup>10</sup> <https://www.linkedin.com/in/ebesugawa-liann-629a943/>

<sup>11</sup> <https://labor.hawaii.gov/hcrc/files/2021/01/2020-HCRC-Annual-Report-Final-for-website.pdf>

<sup>12</sup> <https://www.civilbeat.org/2022/02/hawaii-civil-rights-agency-grapples-with-solving-long-delayed-cases/>

**A. Question 1: First Hawaiian Bank said the person hired for the Database Administrator II position had 23 years' experience in comparable positions--does that sound reasonable to you? If not please explain.**

Although Mr. Goold responded that he had over 20 years of experience, years of experience is not a top criteria. In a 2009 survey from CareerBuilder and Robert Half International, employers said that aside from having the basic job qualifications, multitasking (36%), initiative (31%) and creative thinking (21%) are the most important characteristics in a job applicant.<sup>13</sup>

FHB refused to allow Mr. Goold a technical interview that would have allowed both the company and Mr. Goold to explore and discuss these areas of his employment history. HCRC Investigator Kuehn did not consider these employment criteria.

**B. Question 2: They also said you didn't meet the appropriate qualifications for the ETL Developer III position and that's why they never contacted you—did the Technical Recruiter (Kathy Oyadomari) tell you she received your application and would contact you if you met the appropriate qualifications?**

Mr. Goold responded, "What are the "appropriate qualifications" that I did not meet? The positions remain open today ..." and provided a screen shot of the two (2) posted and open positions.

Neither HCRC nor FHB has explained to Mr. Goold the "appropriate qualifications" that he does not meet. Mr. Goold, with some 30 years of experience, does not believe there are any "appropriate qualifications" that he does not meet.

FHB's alleged claim that Mr. Goold does not meet the "appropriate qualifications" is a slander and represents defamation of his professional character.

FHB's refusal to extend highly-qualified Mr. Goold a technical interview is not reasonable when the position has remain unfilled for nearly ten (10) months. Mr. Goold exceeds the stated qualification included in the ETL Developer III job posting:

**Required Qualifications**

5 years of progressive, hands-on Informatica ETL or equivalent experience.  
Extensive knowledge of complex SQL composition and troubleshooting.  
Experience with relational databases (Oracle, SQL Server, Teradata, etc.).  
Bachelor's degree in Computer Science, Business Management, or other relevant technical degree or equivalent experience.

**Preferred Qualifications**

Master's degree in Computer Science, Business Management, or other relevant technical degree.  
5 years in Business Requirements Analysis.  
5 years in Data Warehousing and Business Intelligence implementation experience.

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<sup>13</sup> <https://edition.cnn.com/2009/LIVING/worklife/11/02/cb.hire.reasons.job/>

Banking experience or other relevant financial services experience.  
Knowledge of data modeling designs (Dimensional, 3NF, Data Vault).  
Knowledge of various file formats including but not limited to mainframe, text, Oracle, SQL databases.  
Knowledge of data warehousing concepts and designs.  
Able to plan, organize and budget.  
Good written and verbal communication.  
Able to handle confidential matters judiciously.  
Possesses attention to detail with excellent follow-through.  
Able to work under pressure with multiple deadlines.  
Good time management skills.

**C. Question 3: How was the Bank's refusal to provide a copy of their policy on medical cannabis relative to not being hired?**

Mr. Goold responded saying he does not know why FHB would deny their SAP upon request. The Corporation admitted that Mr. Goold qualified for the DBA II position, but refused him a technical interview. Mr. Goold qualifies for the ETL Developer III position, and FHB denies him a technical interview.

There is no reasonable explanation for refusing to interview Mr. Goold. Therefore, it must be concluded that the causation underlying FHB's refusal is Mr. Goold insistence on reviewing the SAP and filing a complaint with HCRC. FHB's action is retaliatory.

HCRC did not conduct a thorough or professional review of Complainant's charge.

**IV. Conclusions**

Mr. Goold applied for the ETL Developer III position in November 2021. He has 30-years of experience in data management, analysis and administration. His most recent manager, Lori Yafuso, stated in her 90-day review of his performance in a similar position:

*YOU have been a great asset to our team and it is your personality and humble nature that makes all of us so comfortable working together. We have had contractors on the DBA team before, but never with the synergy and positive energy that you bring with you.*

*I believe you have had the greatest influence in our success and glad that we selected the right contractor. You have definitely made your mark here at HECO and have set the bar very high for future contractors!*


*Thank you for being you...keep doing what you do...keep that good karma flowing!*

Today, FHB has two open and unfilled posted positions. They refuse to interview Mr. Goold. This behavior is unreasonable. Retaliation is the only valid and plausible explanation for their refusal to consider the disabled candidate Scott Goold.

Therefore, Mr. Goold requests the EEOC review the discriminatory and retaliatory practices by both FHB and HCRC in this charge.

Sincerely,

/s/Scott Goold

**From:** CHANG, STEPHEN K [stephen.k.chang@hawaii.gov](mailto:stephen.k.chang@hawaii.gov)   
**Subject:** RE: [EXTERNAL] NO Certified Letters  
**Date:** July 15, 2022 at 2:57 PM  
**To:** Scott Goold

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Dear Mr. Goold,

Attached is the document, notice of closure of your case, which we attempted to have delivered to you by certified mail.

**Stephen K.L. Chang**

Investigator Supervisor  
Employment/Public Accommodations/State Access Unit  
Hawai'i Civil Rights Commission  
830 Punchbowl Street, Rm 411  
Honolulu, HI 96813  
(808) 586-8648 direct line

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**From:** Scott Goold  
**Sent:** Friday, July 15, 2022 10:35 AM  
**To:** DLIR.HCRC.INFOR <[dliir.hcrc.infor@hawaii.gov](mailto:dliir.hcrc.infor@hawaii.gov)>; HOSHIJO, WILLIAM D <[william.d.hoshijo@hawaii.gov](mailto:william.d.hoshijo@hawaii.gov)>  
**Cc:** CHANG, STEPHEN K <[stephen.k.chang@hawaii.gov](mailto:stephen.k.chang@hawaii.gov)>; KUEHN, KENDELL E <[kendell.e.kuehn@hawaii.gov](mailto:kendell.e.kuehn@hawaii.gov)>;  
**Subject:** [EXTERNAL] NO Certified Letters

Aloha e HCRC ~

Not sure if you sent me something certified, but I've checked with all individuals and groups. You're the only one remaining. If you sent me a Certified Letter, Signature Required, I cannot get these. I received this notice yesterday, 7.15.22. Article was returned to sender on 7.11.22.

I do not authorize Certified Letters. Please do not contact me by Certified Mail — if you did.

Thank you!

EXHIBIT 1



United States Postal Service®  
**Sorry We Missed You! We Re-Deliver for You**

Today's Date: 7/1/22 Sender's Name: \_\_\_\_\_

Item is at:  Post Office™ (See back) Available for Pick-up After: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_

**FINAL NOTICE**

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 Adult Signature  
 Signature Confirmation™

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PS Form 3849, July 2013 [usps.com](https://usps.com) Delivery Notice/Reminder/Receipt

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Scott Goold  
 "I Believe We Can"



Goold Closure

ORIGINAL

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

FEPA
EEOC

21994
37B-2022-00047

Hawaii Civil Rights Commission
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

S. Goold

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

Honolulu, Hawai'i 96815

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

First Hawaiian Bank

NUMBER OF EMPLOYEES, MEMBERS

1000+

TELEPHONE (Include Area Code)

808-525-8192

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

999 Bishop Street

Honolulu, Hawai'i 92813

Honolulu

NAME

TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN / ANCESTRY, RETALIATION, AGE, DISABILITY, OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST

9/14/21

CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed attach extra sheet(s):

On November 9, 2021, and again on February 22, 2022, I was not hired for positions for which I was highly qualified, for discriminatory reasons due to my disability and/or in retaliation for my opposing discrimination. These are violations of Hawai'i Revised Statutes, Chapter 378, Part I. My allegations of discrimination are based on the following:

A. I submitted an application for employment with First Hawaiian Bank ("FHB") as a Database Administrator II. Based on 20 years of experience in database administration, I was highly qualified for the position.

B. On July 13, 2021, I was contacted by email by a Technical Recruiter ("TR") who acknowledged receipt of my application and asked to schedule an initial phone screen. In response, I disclosed that I had a minor disability involving a mobility issue and my doctor prescribed opioid pain relievers or medical cannabis sometimes in the evening to reduce pain so I can sleep, and that I never medicate before or during work hours. I asked to know FHB's written policy on medical cannabis. In my prior employment, confusion over such policies led to loss of my job, which was humiliating to me, and caused embarrassment to me and my family.

C. On July 18, 2021, I emailed the TR, advising her of my need to be clear regarding expectations related to my medical situation and disability. On July 22, 2021, the TR told me that FHB's employment policies were confidential within the bank and generally not provided to candidates prior to hire. The TR noted if I should be a successful candidate and was hired by FHB, FHB provides reasonable accommodations to employees with disabilities, as long as the accommodations do not impose an undue hardship. The TR did not explain what would be considered undue hardship.

D. On July 27, 2021, I emailed the TR, asking to pause my application. I stated that because FHB had not provided the medical information requested, I had contacted the Hawaii Civil Rights Commission and the Equal Employment Opportunity Commission.

E. On October 26, 2021, FHB gave me the ultimatum of agreeing to an initial phone screen, which is the first step in the company's hiring process or being dropped from consideration for employment. On November 3, 2021, I was interviewed by the TR. The phone screen lasted only 13 minutes.

F. I was not asked to do a second interview, as might be expected, and on November 9, 2021, I was notified that another candidate had been selected.

G. On or about November 29, 2021, I submitted an application for an ETL Developer III position, for which I was also highly qualified. On December 14, the same TR emailed me that my application had been received and I would be contacted if I met the appropriate qualifications.

H. I heard no further from FHB about my application. On February 22, 2022, I noted that the ETL Developer III position was still being advertised.

I. I believe that I was not hired for employment for either of the two positions based on my disability and/or in retaliation for my reporting that I was contacting civil rights agencies.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State & local requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

I declare under penalty of perjury that the following is true and correct

SIGNATURE OF COMPLAINANT

Scott Goold

Feb 24, 2022

Date

Charging Party (signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

EXHIBIT 2





**From:** Scott Goold  
**Subject:** Re: Pre-Complaint Questionnaire: First Hawaiian Bank  
**Date:** July 23, 2021 at 9:35 AM  
**To:** HOSHIJO, WILLIAM D [william.d.hoshijo@hawaii.gov](mailto:william.d.hoshijo@hawaii.gov)  
**Cc:** Scott Goold

Thank you, Mr. Hoshijo.

Happy Aloha Friday!

On Jul 22, 2021, at 5:31 PM, HOSHIJO, WILLIAM D <[william.d.hoshijo@hawaii.gov](mailto:william.d.hoshijo@hawaii.gov)> wrote:

Dear Mr. Goold,

I am writing to acknowledge receipt of your email submission of the attached HCRC Pre-Complaint Questionnaire (PCQ) relating to your employment application with First Hawaiian Bank.

Investigator Supervisor Stephen Chang or an assigned investigator will contact you to schedule an intake interview, to initiate the intake process that leads to the filing of a complaint with the HCRC. Mr. Chang is currently out of the HCRC office, and is scheduled to return next week.

William D. Hoshijo  
Executive Director  
Hawai'i Civil Rights Commission

From: Scott Goold  
Sent: Wednesday, July 21, 2021 10:25 AM  
To: DLIR.HCRC.INFOR <[dlir.hcrc.infor@hawaii.gov](mailto:dlir.hcrc.infor@hawaii.gov)>  
Cc: CHANG, STEPHEN K <[stephen.k.chang@hawaii.gov](mailto:stephen.k.chang@hawaii.gov)>; HOSHIJO, WILLIAM D <[william.d.hoshijo@hawaii.gov](mailto:william.d.hoshijo@hawaii.gov)>; Senator Mike Gabbard <[mike@mikegabbard.com](mailto:mike@mikegabbard.com)>; Rosalyn Baker <[rozhbaker@gmail.com](mailto:rozhbaker@gmail.com)>; Scott Goold

Subject: [EXTERNAL] Pre-Complaint Questionnaire: First Hawaiian Bank

Cc: William D. Hoshijo, director  
Stephen K. Chang, investigator supervisor

State Senator Mike Gabbard  
State Senator Roz Baker

Aloha e HCRC.

Please accept my pre-complaint questionnaire. As you're aware, I have a mobility disability and my medical team has prescribed medical cannabis for the associated chronic pain. Around the first of July, I applied for a Data Analyst II position with First Hawaiian Bank. Around July 13th, I received an emailed correspondence from their technical recruiter. She asked to set up a phone interview.

At that time, I requested their substance use, drug-free workplace policy. I specifically requested this information in writing, due to the confusion I suffered at Hawaiian Electric when discussing this HIPAA and policy issue verbally with their HR rep. With the HEI/HECO matter, some criticized me for not seeking this information sooner. Therefore, with FHB, I'm asking up front before moving forward with an interview. I want "all cards" on the table so there is no further miscommunication over my disability or medication. I also want to be able to respond ethically and openly in the interview. I need to know their rules.



I'm sure you will find my actions reasonable. Unfortunately, after numerous attempts, FHB's technical recruiter refuses to provide this information to me. I believe 41 U.S.C. 81 requires "drug-free" workplace policy to be made available to job seekers as well as employees. FHB continues to refuse my request.

Further, if I do not consent to an interview prior to being fully-informed about corporate expectations, FHB will disqualify my application and drop me from their candidate pool. This in my opinion is discrimination. Medical cannabis patients suffer nasty negative stigma. I would like to review their policy, in writing, quietly and discreetly so I know my options and company requirements.

**EXHIBIT 3**

Please accept my PDF copy of the Pre-Complaint Questionnaire. Due to the current political climate related to medical cannabis in the State of Hawai'i, I am copying my local elected officials.

Thank you for your assistance in this matter.  
Scott

**From:** Scott Goold   
**Subject:** EEOC and HCRC Complaint: Objection to FHB Discriminatory Hiring Practices   
**Date:** November 2, 2021 at 12:32 PM  
**To:** Raymond Griffin (RAYMOND.GRIFFIN@EEOC.GOV) RAYMOND.GRIFFIN@EEOC.GOV, ROGELIO COLON ROGELIO.COLON@EEOC.GOV, HOSHIO, WILLIAM D william.d.hoshio@hawaii.gov, CHANG, STEPHEN K Stephen.K.Chang@Hawaii.gov  
**Cc:** Green, Josh B josh.green@Hawaii.gov, Lakin, Jeremy jeremy.lakin@hawaii.gov, Scott Goold DLIR.HCRC.INFOR DLIR.HCRC.INFOR@hawaii.gov, Senator Mike Gabbard mike@mikegabbard.com, Rosalyn Baker rozhbaker@gmail.com

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Raymond Griffin, EEOC director  
Rogelio Colon, EEOC investigator  
William Hoshijo, HCRC director  
Stephen Chang, HCRC investigator

Josh Green, Lt Governor  
Mike Gabbard, State Senator  
Roz Baker, State Senator

RE: Discriminatory Hiring Practices by First Hawaiian Bank in Database Administration II position

Aloha e friends,

I am applying for a serious professional position with First Hawaiian Bank. Have over 20 years of experience and am highly qualified. Also have an established disability. Have kept state elected officials in the loop regarding FHB's refusal to provide me with their related medical and substance use policy. The company will not disclose this policy information to me. Why not?

I am technically and professionally qualified for this DBA role. FHB refuses to let me know if my disability and medication are permitted or if they will allow accommodation. I believe this violates federal Drug-Free Workplace Act of 1988.

However, FHB demands I move forward with their interview process. They gave me an ultimatum to speak with their technical recruiter, Kathy Oyadomari, by Wednesday or be dropped for consideration for the position. The DBA position has been open for months. I could immediately help FHB. Would LOVE to work for FHB.

Ms. Oyadomari has been polite. However, she offers me only a "15 minute phone screen." I cannot professionally or competently discuss my qualifications and experience in such a brief time frame. Why and for what "legitimate business-related purpose" is she screening me? She has my application and CV/resume. The related conversation is included below along with my resume.

I asked the official purpose. Ms. Oyadomari answered, "The initial phone screen is the first step in our hiring process and is consistent with our practice. The interview will focus on your qualifications and experience for the Database Administrator II position." I have provided this information in writing.

Let me be frank. I know many managers on O'ahu. Some tell me they hold a quick "meet & greet" to get a look at the applicant. One manager said he only hires "beautiful women with long brown hair." Another said she looks for women who aren't too fat, as their office space is limited.

Years ago, White-male-dominated companies held quick screens so they could disqualify Black or female applicants. These hiring managers were "consistent" with their practices. Thus, we mandated written applications and merit-based selection. Again, what is the legitimate business-related purpose of this "speed dating" session?

Yesterday, I was rocked from my chair as the tsunami alert rang around 11:21 AM. The scheduled test should occur at 11:45 AM. Was this a real alert? I'm at sea level. Terrifying and confusing. The nuclear attack alert falsely rang a few years ago. What a panic that caused!

It is well known there is systematic hiring discrimination in Hawai'i. These false alarms reveal the danger to all. The DBA position is highly technical. An incompetent analyst can lose millions of dollars in data. It's an extremely serious position. It's grossly disrespectful to me, as the applicant, and to the pool of DBA technicians to offer only a 15-minute screen, particularly when the reviewer is not technically proficient. What's the legitimate business related purpose — except to discriminate illegally or unfairly?

**EXHIBIT 4**

I will participate in the session as demanded by FHB tomorrow at 12:00 PM, as they gave me an ultimatum. I am memorializing this unprofessional process prior to the session. Please document my written protest and objection noting my concerns about their hiring practices. FHB is a critical company in the islands. Founded in 1858, FHB is the state's oldest and largest financial institution. Residents will likely be shocked to learn their money, our money, is in the hands of personnel who demonstrate such lack of urgency with their trust and resources.

I've attached my resume below, as well as Kathy Oyadomari's LinkedIn profile. At face value, it does not appear she has the technical background to assess my capabilities. I question whether she knows the difference between normalized and non-relational databases; or snowflake and star schema. How then can she determine in a 15-minute screen if I should be allowed to interview for the position?

I want to work! Would LOVE to work for FHB. I'm simply asking for the hiring discrimination to end.

Thank you!  
Scott

Goold Resume



Goold.resume\_6  
.2021a.pdf

Kathy Oyadomari LinkedIn Profile  
<https://www.linkedin.com/in/kathyoyadomari/>

Experience

## Experience



### First Hawaiian Bank

4 yrs 9 mos

#### Technical Recruiter

Jun 2020 – Present · 1 yr 6 mos

#### Corporate Recruiter

Mar 2018 – May 2020 · 2 yrs 3 mos  
Honolulu, HI

#### Recruitment Specialist

Mar 2017 – Mar 2018 · 1 yr 1 mo

Positions



### Human Resources Administrative Assistant

Hotels & Resorts of Halekulani  
Jul 2016 – Mar 2017 · 9 mos  
Waikiki



### Human Resources Intern

HEMIC  
Jan 2016 – May 2016 · 5 mos

Jan 2015 – May 2015 · 5 mos  
Honolulu, Hawaii

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### Human Resources Intern

Hawaii Department of Transportation, Harbors Division  
Apr 2015 – Jul 2015 · 4 mos  
Honolulu, Hawaii

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### Human Resources Intern

The Research Corporation of the University of Hawai'i  
Oct 2014 – Jul 2015 · 10 mos  
Honolulu, Hawaii

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### College of Arts & Sciences Student Academic Services

#### Student Assistant

University of Hawaii at Manoa  
Sep 2013 – Oct 2014 · 1 yr 2 mos  
Honolulu, Hawaii

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## Education

### Education



### Hawaii Pacific University

Master of Business Administration - MBA  
2021 – 2022

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### University of Hawaii at Manoa

Bachelor of Business Administration (B.B.A.), Human Resource  
Management and Marketing  
2012 – 2016

Activities and Societies: American Marketing Association, Business  
Executive Society of Tomorrow, Colleges Against Cancer

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### University of Roehampton

2015 – 2015

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## Volunteer experience



### Volunteer

Junior Achievement of Hawaii  
Jun 2013 – Jul 2013 · 2 mos  
Education

Skills

## Skills & endorsements

### Microsoft Excel · 9



Endorsed by Stephen Winchester, who is highly skilled at this

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### Microsoft Office · 9



Endorsed by Stephen Winchester, who is highly skilled at this



Endorsed by 2 of Kathy's colleagues at University of Hawaii at Manoa

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### Leadership · 8

Christopher Fabian, SHRM-CP and 7 connections have given endorsements for this skill

Knowledge

### Industry Knowledge

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### Social Media · 7

### Event Planning · 5

### Research · 1

### New Hire Orientations

### College Recruiting

### Human Resources (HR)

### Recruiting

### Talent Acquisition

1/1/2020

## hiring

### Onboarding

#### Tools

##### Tools & Technologies

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**PowerPoint** · 7

**Microsoft Word** · 4

**Facebook** · 3

##### Interpersonal Skills

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**Public Speaking** · 4

**Customer Service** · 4

**Teamwork** · 2

**Time Management**

##### Other Skills

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**Social Networking** · 2

**Job Fairs**

**Full-life Cycle Recruiting**

#### Recent Communication

On Nov 2, 2021, at 9:53 AM, Kathy Oyadomari <koyadomari@fhb.com> wrote:

Scott,

Thank you for your interest. The initial phone screen is the first step in our hiring process and is consistent with our practice. The interview will focus on your qualifications and experience for the Database Administrator II position.

Thank you,  
Kathy

Kathy Oyadomari | Technical Recruiter  
999 Bishop Street, Honolulu, HI 96813  
P (808)525-8192 | F (808)525-5798 | koyadomari@fhb.com

-----Original Message-----

From: Scott Goold

Sent: Sunday, October 31, 2021 11:25 AM  
To: Kathy Oyadomari <koyadomari@fhb.com>  
Cc: Green, Josh B <josh.green@Hawaii.gov>; Lakin, Jeremy <jeremy.lakin@hawaii.gov>; Rosalyn Baker <rozhbaker@gmail.com>; Senator Mike Gabbard <mike@mikegabbard.com>; Scott Goold  
Subject: [2] ULTIMATUM: Database Administration II Application

Lt Gov Josh Green  
Senator Mike Gabbard  
Senator Roz Baker

Aloha e Kathy,  
Happy Halloween! Hope you, family and friends are having a fun, frightful weekend! 🍬

I'm a bit confused. Hopefully you can clarify.

You said we would have a "15 minute phone screen." You have my application and resume. As I would LOVE to serve First Hawaiian Bank and want to do my very best on what appears to be some sort of test, can you explain PRIOR to our conversation the legitimate, business-related purpose of the "15 minute phone screen"? I have some 20+ years of experience. Not clear I can pass FHB's test in such a brief amount time.

Aside from my resume and history provided on the application, what additional information are you seeking to learn about me?

Thank you very much for your time,  
Scott

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Scott Goold  
"I Believe We Can"